

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN PENNEL and
ISHMAEL H. OBAMA,

Plaintiffs,

v.

BENNY NAPOLEAN,
JAMES E. SPIVEY, and JOHN DOES,

Defendants.

Case No. 14-10997

George Caram Steeh
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

REPORT AND RECOMMENDATION
DISMISSING PLAINTIFF SHAWN A. PENNEL (Dkt. 13)

On March 6, 2014, plaintiffs Shawn A. Pennel and Ishmael H. Obama filed a complaint pursuant to 42 U.S.C. § 1983, claiming a violation of their rights under the United States Constitution. (Dkt. 1). Plaintiffs filed a second complaint on April 4, 2014. (Dkt. 6). District Judge George Caram Steeh referred this matter to the undersigned for all pretrial proceedings on April 30, 2014. (Dkt. 12).

The two complaints purport to be signed by both Pennel and Obama. (Dkt. 1, 6). However, on May 5, 2014, Pennel submitted a letter to the Court in which he states that this matter was filed in his name but that he did not know the complaints were being filed in his name and that he never signed any legal documents. (Dkt. 13). He requests that this case be dismissed. *Id.* The Court

ordered plaintiffs Pennel and Obama to show cause in writing by May 29, 2014 why the undersigned should not recommend dismissal of plaintiff Pennel as a party to this case. On May 27, 2014, plaintiff Obama responded to the order to show cause, stating that he does not object to Pennel being dismissed as a plaintiff in this matter as long as he can continue to pursue his claims. (Dkt. 15). Pennel did not file a response to the Show Cause Order.

RECOMMENDATION

Based on the above, the undersigned **RECOMMENDS** that Shawn A. Pennel shall be **DISMISSED** without prejudice as a party plaintiff to this litigation. The Clerk of the court should adjust the case caption accordingly.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to file any objections within 14 days of service, as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1981). Filing objections that raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to Local Rule

72.1(d)(2), any objections must be served on this Magistrate Judge.

Any objections must be labeled as “Objection No. 1,” “Objection No. 2,” etc. Any objection must recite precisely the provision of this Report and Recommendation to which it pertains. Not later than 14 days after service of an objection, the opposing party may file a concise response proportionate to the objections in length and complexity. Fed.R.Civ.P. 72(b)(2), Local Rule 72.1(d). The response must specifically address each issue raised in the objections, in the same order, and labeled as “Response to Objection No. 1,” “Response to Objection No. 2,” etc. If the Court determines that any objections are without merit, it may rule without awaiting the response.

Date: June 11, 2014

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on June 11, 2014, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Not Applicable, and I certify that I have mailed by United States Postal Service the foregoing pleading to the following non-ECF participant(s), at the following address(es): Ishmael Obama, #145160, Grimes Unit, 300 Corrections Drive, Newport, AR 72112 and Shawn Pennel, #550858, Grimes Unit, 300 Corrections Drive, Newport, AR 72112.

s/Tammy Hallwood

Case Manager

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